

Serial No.: 10/769,933
Attorney Docket No.: NEW10-GN005(39824)
Response

REMARKS

Claims 1-28 are currently pending in the Application. Reconsideration of the Application is respectfully requested.

Claims 1-28 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,213,431 to Gentile et al.

A. Claims 1-13

Independent claim 1 is directed to a paint applicator, comprising: a container having an opening; and a housing assembly removably attached to the container, the housing assembly comprising a paint applicant element and a push-pull valve, the paint application element being adjacent to the valve, and the push-pull valve being in fluid communication with a contents of the container.

This claim requires that the housing assembly be removably attached to the container. This limitation is absent from the Gentile reference, which describes a paint dispenser that does not have a removable housing. As seen in FIGS. 2a and 2b of Gentile, the dispenser's applicator 14 is joined directly to a fitment 2, which is mated to a container 1. The drawings show a tongue and groove-type joint holding the container 1 and fitment 2 together, and the design shown does not permit removal of the fitment from the container. The drawings do not show any structure that would permit a user to remove the fitment from the container, and the specification of Gentile does not describe any alternative design that would permit such removal. Accordingly, Gentile does not teach "a housing assembly removably attached to the container," as required by claim 1 of the present application. Therefore, claim 1 is not anticipated by Gentile.

Claims 2 through 13 depend from claim 1 and are therefore allowable for the same reasons.

Further regarding claim 3, Gentile does not teach a living hinge connecting separate cover and cap components of the housing, as required by claim 3. The fitment 2 and cap 56 of Gentile are completely separate components and are not connected together.

Further regarding claims 9 and 10, Gentile does not teach the limitation that the paint application element is a paint pad (claim 9) or a paint roller cover (claim 10).

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Gentile states that the paint application element is an "oval or cylindrical roller 14" (column 3, line 24) and subsequently refers to this element simply as a "roller." Gentile makes no mention of any cover that can be fitted over the roller, or of a pad that can be used to apply paint.

Further regarding claim 11, Gentile does not teach a valve that comprises a face having a contour that is complementary to an outer diameter of the paint roller cover, as discussed below.

B. Claims 14-24

Independent claim 14 is directed to a paint applicator, comprising: a container having an opening; and a housing assembly removably attached to the container, the housing assembly comprising a paint roller cover and a valve, the paint roller cover being adjacent to the valve, the valve being in fluid communication with a contents of the container, and the valve comprising a face having a contour that is complementary to an outer diameter of the paint roller cover.

This claim requires a paint roller cover. As discussed above with respect to claim 10, Gentile makes no mention of any cover that can be fitted over a paint roller, instead simply referring to the paint application element as an "oval or cylindrical roller" or a "roller." Accordingly, this element of claim 14 is not taught by Gentile.

Additionally, this claim requires that the valve comprise a face having a contour that is complementary to an outer diameter of the paint roller cover. This limitation is absent from Gentile, which features a contoured face that is complementary to the paint roller but is separate from the valve. FIGS. 2a and 2b of Gentile show a socket 12 having a contoured face to accommodate the paint roller 14. This socket 12, however, is a separate component from the valve member 38. The valve member 38 slides with respect to the socket 12, and the valve's inner sealing wall 46 interacts with the closing finger 36 on the plug 24 to control the flow of fluid from the container 1 through orifices 34. Because the valve member 38 shown in Gentile is a separate component from the contoured socket 12, Gentile does not teach a "valve comprising a face having a contour that is complementary to an outer diameter of the paint roller cover," as required by claim 14 of the present application. Accordingly, claim 14 is not anticipated by Gentile.

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Claims 15 through 24 depend from claim 14 and are therefore allowable for the same reasons.

Further regarding claim 16, Gentile does not teach a living hinge connecting separate cover and cap components of the housing, as discussed above with respect to claim 3.

Further regarding claim 22, Gentile does not teach the limitation that “the valve is in contact with an outer diameter of the paint roller cover.” As discussed above with respect to claim 14, the valve in Gentile is a separate component from the contoured socket 12 and thus does not make contact with the roller.

C. Claims 25-28

Independent claim 25 is directed to a method of applying paint to a surface, comprising: engaging a surface with a paint applicator comprising a container having an opening, and a housing assembly removably attached to the container, the housing assembly comprising a paint roller cover and a valve, the paint roller cover being adjacent to the valve, the valve being in fluid communication with a contents of the container, and the valve comprising a face having a contour that is complementary to an outer diameter of the paint roller cover; and, traversing the surface with the paint roller cover.

This claim requires a paint roller cover. As discussed above with respect to claims 10 and 14, this element is not taught by Gentile.

Additionally, this claim requires that the valve comprise a face having a contour that is complementary to an outer diameter of the paint roller cover. As discussed above with respect to claim 14, this limitation is not taught by Gentile. Accordingly, claim 25 is not anticipated by Gentile.

Claims 26 through 28 depend from claim 25 and are therefore allowable for the same reasons. Claim 27 further requires that the valve be positioned in contact with an outer diameter of the paint roller cover. As discussed above, the valve in Gentile is a separate component from the contoured socket 12 and thus does not make contact with the roller.

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D. Conclusion

In light of the foregoing, it is respectfully submitted that claims 1-28 are distinguishable from the references cited and in condition for allowance. Reconsideration and withdrawal of the rejections of record is respectfully requested.

If the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,



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